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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ATSUSHI MISAWA

Appeal 2007-3096
Application 09/663,354
Technology Center 2600

Decided: January 28, 2008

Before KENNETH W. HAIRSTON, SCOTT R. BOALICK, and JOHN A. JEFFERY, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from a final rejection of claims 6 to 15. We have jurisdiction under 35 U.S.C. § 6(b), and we heard the appeal on January 22, 2008.

We will sustain the obviousness rejections.

Appellant has invented a digital camera with a built-in memory for storing a plurality of images, and a detachable memory card with a larger storage capacity than the built-in memory. When the detachable memory

card is inserted into an insertion slot in the digital camera, a memory control in the digital camera automatically transfers the image data from the built-in memory to the detachable memory card (Figures 1 and 2; Specification 3 and 7).

Claim 6 is illustrative of the claims on appeal, and it reads as follows:

6. A digital camera for capturing images, comprising:

a built-in memory for storing a plurality of images in the form of image data, said built-in memory being provided in a camera body;

a detachable memory card for storing image data, said detachable memory card having a larger storage capacity than said built-in memory;

an insertion slot for receiving said detachable memory card;

detecting means for detecting insertion of said detachable memory card into said insertion slot; and

memory control means for automatically transferring the image data from said built-in memory to said detachable memory card upon said detecting means detecting said insertion.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Watanabe	US 4,887,161	Dec. 12, 1989
Sasson	US 5,016,107	May 14, 1991
Wakui	US 5,648,816	Jul. 15, 1997

The Examiner rejected claims 6, 7, 9, and 13 to 15 under 35 U.S.C. § 103(a) based upon the teachings of Sasson and Wakui. The Examiner rejected claims 8, 10, 11, and 12 under 35 U.S.C. § 103(a) based upon the teachings of Sasson, Wakui, and Watanabe.

Appellant contends that the applied references do not teach memory control means that automatically transfers an image from a built-in digital camera memory to a detachable memory card upon detecting that the detachable memory card is inserted into the digital camera (Br. 13).

ISSUE

Do the applied references teach or would they have suggested to the skilled artisan automatic transfer of image data from a built-in digital camera memory to a detachable memory card upon insertion of the detachable memory card into the digital camera?

FINDINGS OF FACT

Appellant and the Examiner agree that the digital camera described by Sasson does not teach automatically transferring image data from the built-in memory to the detachable memory upon the detecting means detecting insertion of the detachable memory into the digital camera (Final Rejection 4; Br. 9).

Sasson describes a digital camera that transfers digital image signals from a built-in memory 18 to a detachable memory card 24 after a certain number of digital image signals are accumulated in the built-in memory (Fig. 1A; col. 4, ll. 14 to 22).

Wakui describes a digital camera for capturing images that comprises a built-in memory 20 in the camera body for storing a plurality of images in the form of image data (col. 6, ll. 57 to 59). “An external memory, which is detachably attached by a connector portion to the camera, may also be used to store images taken by the image pickup device” (Abstract). The external memory 31 has a storage capacity greater than the built-in memory 20, and is “a card-type external memory which can be detachably attached to the still

video camera 1” (col. 5, ll. 42 to 45). The detachable memory card 31 “is manually inserted in the loading portion 17, by an operator, through an insertion opening until the IC memory card reaches the innermost end portion of the loading portion” of the camera 1 (col. 6, ll. 21 to 24). “The still video camera 1 has a memory card detecting circuit (connection detecting means) 16 which detects the loading of the IC memory card 31 in the loading portion 17” of the camera 1 (col. 5, ll. 64 to 67). The digital camera 1 has a memory control means for automatically transferring the image data from the built-in memory 20 to the detachable memory card 31 upon the detecting means detecting insertion of the memory card 31 (col. 20, ll. 54 to 67).

Watanabe was cited by the Examiner to demonstrate a digital camera 10 that has a detachable memory card 20 with an exposed portion “so that a user can grasp the memory card by the exposed part with fingers to detach said memory card from said camera body (col. 3 lines 42+)” (Final Rejection 7).

PRINCIPLES OF LAW

In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on less than the total amount of evidence relied on by the Examiner without designating it as a new ground of rejection. *In re Bush*, 296 F.2d 491, 496 (CCPA 1961); *In re Boyer*, 363 F.2d 455, 458 n.2 (CCPA 1966).

The claims on appeal should not be confined to specific embodiments described in the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (*en banc*).

During *ex parte* prosecution, claims must be interpreted as broadly as their terms reasonably allow since Applicants have the power during the administrative process to amend the claims to avoid the prior art. *In re Zletz*, 893 F.2d 319, 322 (Fed. Cir. 1989).

ANALYSIS

Based upon the teachings of Wakui, we find that the digital camera described therein teaches or would have suggested to the skilled artisan all of the digital camera structure set forth in claims 6, 9, and 13 to 15. The teachings of Sasson are merely cumulative to teachings found in Wakui. As indicated *supra*, Wakui teaches that the digital image signals stored in the built-in memory are “automatically transferred to the memory card when the memory card is correctly connected to the camera” (Br. 13).

With respect to claim 7, Wakui teaches that the built-in memory 20 is erased/initialized when the image content therein is automatically sent to the detachable memory card 31 (col. 20, ll. 53 to 61).

Turning lastly to claims 8 and 10 to 12, we agree with the Examiner that it would have been manifestly obvious to the skilled artisan to provide an exposed portion on the detachable memory card that extends from the digital camera when it is inserted in the digital camera so that a user can easily remove the detachable memory card from the digital camera (Final Rejection 7). As taught by Watanabe, the length of the exposed portion on the detachable memory card has to be long enough for the user to grasp the detachable memory card and pull it out of the camera. Thus, it would have been obvious to the skilled artisan to provide the specific detachable memory card lengths set forth in claims 8 and 10 to 12.

CONCLUSION OF LAW

As indicated *supra*, the obviousness of the claimed subject matter set forth in claims 6, 7, 9, and 13 to 15 is demonstrated by the teachings of Wakui¹. The obviousness of the claimed subject matter set forth in claims 8 and 10 to 12 is demonstrated by the teachings of Wakui and Watanabe².

ORDER

The obviousness rejections of claims 6 to 15 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

¹ It follows that these claims would have been obvious over the combined evidence provided by Sasson and Wakui.

² It follows that these claims would have been obvious over the combined evidence provided by Sasson, Wakui, and Watanabe.

Appeal 2007-3096
Application 09/663,354

AFFIRMED

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